

Bipartisan Legislation To Address Opioid Epidemic, Substance Abuse Treatment

Three bills designed to help those addicted get proper treatment in a timely manner

Delawareans denied treatment for substance abuse and families of Delawareans who have died from drug overdoses joined with legislators and elected and appointed officials to unveil a number of steps in the fight against the state's substance abuse crisis.

The three pieces of legislation to expand treatment for substance abuse and better target the over-prescription of opioid drugs will be championed in the legislature by Senators Margaret Rose Henry, Stephanie Hansen, David Lawson and Anthony Delcollo, and by Representatives Helene Keeley, Michael Mulrooney, Timothy Dukes and Ruth Briggs King. Attorney General Matt Denn brought the bills to the legislators.

An event Wednesday at Legislative Hall in Dover included stories told by those who had struggled with addiction and survived, and those who had lost the struggle. Matt Guthrie shared his story of addiction and recovery, first seeking treatment in 2007. He was finally able to get help, he said, in 2011. At that time, he became sober "after a full round of treatment, including detox and inpatient treatment. In 2007, the treatment facility told me I wasn't sick enough yet."

MaryBeth Cichocki's son died after a heroin addiction that started from prescription pain medication, and eventually involved short stays at multiple drug treatment programs in multiple states, none of which were long enough to help him recover. "It was like a revolving door of treatment," she

said.

“Delaware has been harder hit than most states – our drug overdose death rate in 2015 was 12th highest in the country. Since then, our rate has spiraled even more, thanks in large part to the emergence of fentanyl. In 2015, 228 people died from overdoses in Delaware, up from 224 in 2014. Last year, that number exploded to 308,” Attorney General Denn said. “Behind those staggering numbers are real people. People have asked me why our office, which doesn’t have an official role in drug treatment for people outside the criminal justice system, has become so involved in this issue over the last two years. One reason is obvious – drug addiction drives much of our criminal caseload. But the larger reason is that you cannot meet these families, meet these people, hear what they have been through, and not become an advocate for fixing this problem.”

The first bill would not permit pre-authorization and referral requirements imposed by private insurers to get initial treatment for substance abuse. The only “utilization review” permitted by insurers of the first 14 days of treatment would be to ensure that treatment providers were complying with nationally recognized guidelines for substance abuse treatment. That review would occur after the 14 days had expired, and the Insurance Commissioner will oversee the reviews to ensure that they are done in good faith. It is modeled on a law that was passed in New York State last year, and which both regulators and substance abuse treatment providers say has been a success.

“It is tragic to consider that we’ve lost Delawareans to addiction because they couldn’t get the help they needed. Frankly, it’s unacceptable,” said Senate Majority Leader Margaret Rose Henry. “Insurance and health care providers should not stand in the way of people getting the help they so desperately need and this legislation will help more Delawareans access critical rehabilitation care.”

“We’re here to protect people who have an illness, and that illness should be treated like all others,” said Commissioner Navarro, echoing the discrepancy cited by addicts and their families between insurance coverage for cancer versus coverage for addiction issues.

Representative Briggs King stated, “If we intend to be serious about fighting the opioid epidemic in Delaware, then we need to be just as serious about making sure treatment options are readily available to those suffering with addiction. A great start would include passage of the bill requiring insurance coverage for inpatient treatment. When a person is serious about seeking treatment, we, in turn, have to be ready to help. If someone were taken to a hospital with a heart or diabetic condition, for example, we would not refuse to treat because their illness had been pre-authorized or they didn’t come with a referral first. Drug addiction should be viewed and treated no differently.”

A second bill addresses another major obstacle faced by people addicted to controlled substances, the denial of substance abuse treatment on “medical necessity” grounds – either by being denied outright, sent to an inadequate type of treatment, or cut off from treatment after an inadequate period of time. It allows the Department of Justice to use consumer protection funds to secure expert medical advice for persons seeking treatment for substance abuse who are being denied coverage on “medical necessity” grounds by private insurers or Medicaid administrators, and, if necessary, to provide legal assistance in navigating the claim denial appeals process.

“Substance abuse treatment is an important part of helping people reintegrate into society and leading productive lives. Denying people suffering from substance abuse the treatment they need can lead to them relapsing and either ending up in prison or worse,” said Rep. Mulrooney. “Put simply, this bill will help save lives in Delaware.”

Don Keister, whose son lost his battle with addiction, said "Our son Tyler spent four days on life support. Ironically, think of the cost of those four days versus the insurance carrier paying for Tyler's treatment at a facility that could have cared for him."

The third piece of legislation establishes a new committee to help oversee the prescription drug database. Using a formula developed with the committee, the staff that oversees the database will provide the committee with data regarding doctors with extraordinary opiate prescription patterns, and the committee will review that data with staff to determine if referrals to licensing authorities or law enforcement authorities are necessary. The committee will have the authority to make direct referrals to licensing authorities, and any referrals to law enforcement will be made by professional staff.

"This seeks to make better use of the state's prescription drug database to focus attention on the very small number of doctors in Delaware who are prescribing an enormous percentage of the state's prescription opiates," Attorney General Denn said.

"We are clearly in an opioid epidemic," said Dr. Karyl Rattay, the state Director of Public Health who represented the Department of Health and Social Services at the event. "In addition to those that have died, tens of thousands in Delaware are struggling with the disease of addiction. They deserve coordinated, effective care. Treatment works and recovery is possible, and these bills will help people get treatment."

"It's not the way things are that we should bury our children, from addiction or anything else. We will get ahead of this," Sen. Lawson said to the families present at Thursday's event. "With your help, we will get ahead of this...There is no excuse not to get this done."

Video of the Legislative Hall event announcing the bills can be found on the Delaware Department of Justice Facebook page at <http://www.facebook.com/DE.AttorneyGeneral>.